

AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6242 Lakeland Area 8 Final Plat		Date: May 8, 2009
Department: Planning, Building, and Community	Attachments: Ordinance No. 6242 and see exhibit list below.	Budget Impact: N/A
Administrative Recommendation: City Council introduce and adopt Ordinance No. 6242.		

Background Summary:

Apex Engineering on behalf of Lakeland East LLC has made application for the final plat of "Lakeland Area 8." The preliminary plat was approved by the City Council on September 18, 2006 by Resolution No. 4098.

Lakeland Area 8 received preliminary plat approval for the subdivision of 22 acres into 68 single-family residential lots. The property is generally located east of 62nd Street SE and north of Lake Tapps Parkway, east of the Lakeland East plat; Pierce County parcel number 0520052039. The preliminary plat request also included eight tracts for access (Tracts D, H, and D), open space/wetland areas (Tracts A, B, C, and E), and entry signage (Tracts F and G). Storm drainage for this plat is incorporated into the storm drainage facility located in the adjacent plat of Lakeland East.

The final plat request is for subdivision of a 22 acre site into 68 single family residential lots. The final plat request also includes eight tracts as referenced above. The City Engineer signed the Certificate of Improvements accepting the required improvements for the final plat of Lakeland Area 8.

The project is subject to the fourth amendment to the Lakeland Annexation and Utilities Agreement. The plat has been developed in accordance with the Lakeland Hills South Planned Unit Development zoning district as defined by ACC, Section 18.76. The subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval. Ordinance No. 6242 approves the final plat of Lakeland Area 8.

Attached for your reference are the following Exhibits:

Exhibit 1 – Final plat map

Exhibit 2 – Completed Final Plat Application form

Exhibit 3 – Resolution No. 4098, approving the Preliminary Plat of Lakeland Area 8

Exhibit 4 – The City Engineer's Certificate of Improvements

L0518-1

O3.5 PLT09-0004

Reviewed by Council & Committees: <input type="checkbox"/> Arts Commission <input type="checkbox"/> COUNCIL COMMITTEES: <input type="checkbox"/> Airport <input type="checkbox"/> Finance <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Human Services <input type="checkbox"/> Planning & CD <input type="checkbox"/> Park Board <input type="checkbox"/> Public Works <input type="checkbox"/> Planning Comm. <input type="checkbox"/> Other _____	Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div style="width: 48%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
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Action:

Committee Approval:

☐ Yes ☐ No

Council Approval:

☐ Yes ☐ No

Call for Public Hearing __/__/__

Referred to _____

Until __/__/__

Tabled _____

Until __/__/__

Councilmember: Norman

Staff: Baker

Meeting Date: May 18, 2009

Item Number: VIII.A.2

ORDINANCE NO. 6 2 4 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING THE FINAL PLAT OF LAKELAND AREA 8

WHEREAS, the City of Auburn received the final plat application for the Plat of Lakeland Area 8, Application No. PLT09-0004, the final approval of which is appropriate for City Council Action; and

WHEREAS, the preliminary plat was approved by the City Council on September 18, 2006 by Resolution No. 4098; and

WHEREAS, based on the review given this Plat by the City, the City Council hereby makes and enters the following:

FINDINGS OF FACT

1. Lakeland East LLC, represented by Apex Engineering, PLLC, has requested final plat approval of Lakeland Area 8 and all applicable conditions have been met.
2. The preliminary plat was approved by the Auburn City Council on September 18, 2006 by Resolution No. 4098. The plat has been developed in accordance with the City of Auburn Zoning Regulations and design and construction standards for roads, utilities, and parks.
3. A Certificate of Improvements has been issued by the City Engineer on April 2, 2009 stating the required improvements for the final plat of Lakeland Area 8 have been completed.
4. The plat is subject to the fourth amendment to the Lakeland Annexation and Utilities agreement.
5. The Final Plat is in compliance and in conformity with the preliminary plat.
6. The Final Plat is consistent with the Auburn Comprehensive Plan.
7. The Final Plat meets the requirements of Chapter 58.17 RCW.

CONCLUSIONS OF LAW

Because the Final Plat is in compliance and in conformity with applicable Zoning and Land Division Ordinances and other applicable land use controls of the City and is consistent with the comprehensive plan, and meets the requirements of Chapter 58.17 RCW and the requirements of the Preliminary Plat as referenced above, it is appropriate to approve the Final Plat.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WASHINGTON,
WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Approval. Lakeland Area 8, a subdivision involving property located within the City of Auburn, Washington, which plat is legally described on Sheet 1 of the Final Plat and as set forth below:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 5; THENCE SOUTH 01°42'58" WEST, ALONG THE WEST LINE THEREOF 1369.68 FEET TO THE NORTHWEST CORNER OF THE PLAT OF LAKELAND DIVISION III PHASE I RECORDED UNDER PIERCE COUNTY AUDITOR'S FILE NUMBER 9808055001; THENCE ALONG THE NORTH LINE OF LAKELAND DIVISION III PHASE I AND THE NORTH LINE OF EASTPOINTE DIVISION 2 PER PIERCE COUNTY AUDITOR'S FILE NUMBER 200012155001, NORTH 89°54'49" EAST, 1368.38 FEET TO THE POINT OF BEGINNING; THEN SOUTH 03°26'36" WEST, 48.22 FEET; THEN SOUTH 31°01'58" WEST, 20.64 FEET; THEN SOUTH 24°16'40" EAST, 21.34 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET, AND TO WHICH POINT A RADIAL BEARS NORTH 74°00'49" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 75°26'30", A DISTANCE OF 131.67 FEET; THENCE SOUTH 13°49'52" EAST, 39.60 FEET; THENCE SOUTH 60°58'23" EAST, 65.47 FEET; THEN SOUTH 24°20'35" EAST 20.88 FEET; THENCE SOUTH 45°31'31"EAST, 63.43 FEET; THENCE SOUTH 63°47'35" WEST, 44.14 FEET; THENCE SOUTH 01°18'19" EAST, 111.57 FEET; THENCE SOUTH 29°17'48" EAST, 5.34 FEET; THENCE SOUTH 04°11'06" WEST, 17.53 FEET TO THE SOUTH LINE, OF THE NORTH HALF, OF THE SOUTH HALF, OF SAID NORTHWEST QUARTER; THENCE NORTH 89°32'04" EAST ALONG SAID SOUTH LINE 2.34 FEET; THENCE SOUTH 13°37'57" EAST 161.80 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 75.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 60°54'08" A DISTANCE OF 79.72 FEET; THENCE

SOUTH 74°32'05" EAST, 94.37 FEET; THENCE SOUTH 31°25'19" EAST, 72.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 216.00 FEET AND TO WHICH POINT A RADIAL BEARS SOUTH 31°25'19" EAST; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 6°20'24", A DISTANCE OF 23.90 FEET; THENCE SOUTH 31°39'12" EAST, 30.64 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 81°47'33", A DISTANCE OF 142.75 FEET, TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 84°52'59" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 76°28'26", A DISTANCE OF 133.47 FEET, TO A POINT ON A NON-TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 67°42'46" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 43°41'15", A DISTANCE OF 76.22 FEET, TO A POINT ON A NON-TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 48°24'21" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE, ALONG THE SAID CURVE, THROUGH A CENTRAL ANGLE 38°47'53", A DISTANCE OF 67.72 FEET; THENCE SOUTH 02°47'46" WEST 69.74 FEET; THENCE SOUTH 34°44'48" EAST, 80.23 FEET TO A POINT ON THE NORTHERLY MARGIN OF LAKE TAPPS PARKWAY SOUTHEAST, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 965.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 34°44'48" WEST; THENCE NORTHEASTERLY AND CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°38'23", A DISTANCE OF 330.78 FEET, TO THE EAST LINE OF THE AFOREMENTIONED, SOUTH HALF, OF THE NORTHWEST QUARTER; THENCE NORTH 02°57'29" EAST, ALONG SAID EAST LINE, 1255.10 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF, OF THE NORTHWEST QUARTER; THENCE ALONG THE NORTH LINE OF SAID SOUTH HALF, SOUTH 89°54'49" WEST, 1013.42 FEET TO THE POINT OF BEGINNING.

is hereby approved, and deemed to conform to the applicable requirements for
Plat approval.

Section 2. Constitutionality or Invalidity. If any section, subsection clause or phase of this Ordinance is for any reason held to be invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, as it is being hereby expressly declared that this Ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed adopted and approved and ratified irrespective of the fact that nay one or more section, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

Section 3. Recordation. Upon the passage, approval and publication of this Ordinance as provided by law, the City Clerk of the City of Auburn shall cause this Ordinance to be recorded in the office of the Pierce County Auditor.

Section 4. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

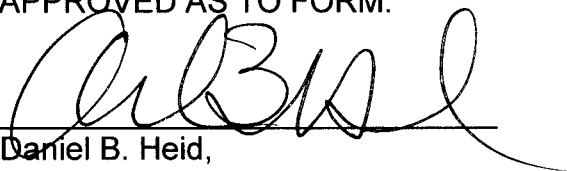
CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

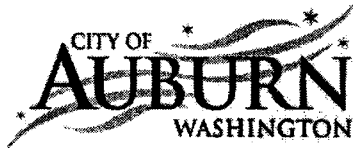
Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Published: _____


 Exhibit 2
 Number of Pages 6

Planning, Building, and Community Department

MASTER LAND USE APPLICATION – PLANNING APPLICATIONS

Project Name Lakeland Area 8 Date _____
 Parcel No(s) 052005-2039 Site Address East of 62 St. SE & North of Lake Tapps Pkwy SE
 Legal Description (attached separate sheet if necessary) See attached.

Applicant

Name: Apex Engineering, PLLC
 Mailing Address: 2601 S. 35th St. Ste. 200 Tacoma, WA 98409
 Telephone and Fax: (253) 473-4494 Fax (253) 473-0599
 Email: wakefield@apexengineering.net & saunders@apexengineering.net
 Signature: *[Signature]*

Owner (if more than one attach another sheet)

Name: Lakeland East, LLC
 Mailing Address: 1302 Puyallup St. Sumner, WA 98390
 Telephone and Fax: (253) 863-6200
 Email: mwaiss@investco.com
 Signature: *[Signature]*

Engineer/Architecture/Other

Name: Apex Engineering Attn: Jerry Wakefield
 Mailing Address: 2601 S. 35th St. Ste. 200 Tacoma, WA 98409
 Telephone and Fax: (253) 473-4494 Fax (253) 473-0599
 Email: wakefield@apexengineering.net

Description of Proposed Action:

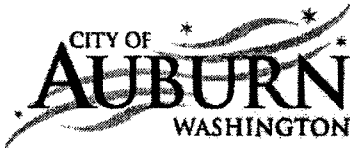
Subdivide approximately 22 acres into 68 single family residential lots with 8 tracts for wetland & wetland buffer, landscaping, open space, utilities, and pedestrian access.

2009 APR 3 AM 9 22

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 PERMIT CENTER

Type of Application Required (Check all that Apply)

<input type="checkbox"/>	Administrative Appeal*	<input type="checkbox"/>	Rezone (site specific)* Area Wide
<input type="checkbox"/>	Administrative Use Permit*	<input type="checkbox"/>	Short Plat
<input type="checkbox"/>	Annexation*	<input type="checkbox"/>	Special Exception*
<input type="checkbox"/>	Boundary Line Adjustment	<input type="checkbox"/>	Special Home Occupation Permit*
<input type="checkbox"/>	Comprehensive Plan Amendment (Text or Map)*	<input type="checkbox"/>	Substantial Shoreline Development*
<input type="checkbox"/>	Conditional Use Permit*	<input type="checkbox"/>	Surface Mining Permit*
<input type="checkbox"/>	Critical Areas Variance*	<input type="checkbox"/>	Temporary Use Permit
<input type="checkbox"/>	Development Agreement*	<input type="checkbox"/>	Variance*
<input type="checkbox"/>	Environmental Review (SEPA)*	<input type="checkbox"/>	*Please note that public notification is
<input checked="" type="checkbox"/>	Final Plat	<input type="checkbox"/>	required. A separate cost is charged
<input type="checkbox"/>	Preliminary Plat*	<input type="checkbox"/>	for the signs. City prepares signs but
<input type="checkbox"/>	PUD Site Plan Approval	<input type="checkbox"/>	applicant responsible for sign posting.
<input type="checkbox"/>	Reasonable Use Exception*	<input type="checkbox"/>	



Planning, Building, and Community Department

LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT
(A copy of this letter must be submitted for each property owner involved)

I, Lakeland East L.L.C., being duly sworn declare that I am the owner of the property
(PROPERTY OWNER)

Involved in the application. I hereby grant Jerry Wakefield & Staci Saunders

of Apex Engineering, PLLC to act on my behalf. I further declare that all
statements, answers, and information herein submitted is in all respects true and correct to the
best of my knowledge and belief.

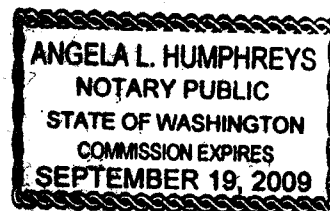
Martin D. Weiss 2/11/09
Signature Date
Martin D. Weiss, President of Investco Financial
Corporation, as Manager of Lakeland East
L.L.C.

1302 Puyallup St.
Sumner, WA 98390
Address

Subscribed and sworn to before me this 11th day of February, 2009.

Notary Public in and for the State of Washington, Angela L. Humphreys

Residing at Maple Valley, WA

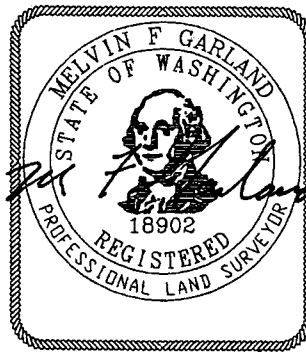


LAKELAND AREA 8
LEGAL DESCRIPTION

THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, CITY OF AUBURN, PIERCE COUNTY, WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 5; THENCE SOUTH 01°42'58" WEST, ALONG THE WEST LINE THEREOF 1369.68 FEET TO THE NORTHWEST CORNER OF THE PLAT OF LAKELAND DIVISION III PHASE I RECORDED UNDER PIERCE COUNTY AUDITOR'S FILE NUMBER 9808055001; THENCE ALONG THE NORTH LINE OF LAKELAND DIVISION III PHASE I AND THE NORTH LINE OF EASTPOINTE DIVISION 2 PER PIERCE COUNTY AUDITOR'S FILE NUMBER 200012155001, NORTH 89°54'49" EAST, 1638.38 FEET TO THE POINT OF BEGINNING; THENCE, SOUTH 03°26'36" WEST, 48.22 FEET; THENCE SOUTH 31°01'58" WEST, 20.64 FEET; THENCE SOUTH 24°16'49" EAST, 21.34 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 38°55'41" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 127°34'07", A DISTANCE OF 222.65 FEET; THENCE SOUTH 76°29'48" EAST, 18.99 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET, AND TO WHICH POINT A RADIAL BEARS NORTH 74°00'49" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 75°26'30", A DISTANCE OF 131.67 FEET; THENCE SOUTH 13°49'52" EAST, 39.60 FEET; THENCE SOUTH 60°58'23" EAST, 65.47 FEET; THENCE SOUTH 24°20'35" EAST, 20.88 FEET; THENCE SOUTH 45°31'31" EAST, 63.43 FEET; THENCE SOUTH 63°47'35" WEST, 44.14 FEET; THENCE SOUTH 01°18'19" EAST, 111.57 FEET; THENCE SOUTH 29°17'48" EAST, 5.34 FEET; THENCE SOUTH 04°11'06" WEST, 17.53 FEET TO THE SOUTH LINE, OF THE NORTH HALF, OF THE SOUTH HALF, OF SAID NORTHWEST QUARTER; THENCE NORTH 89°32'04" EAST ALONG SAID SOUTH LINE 2.34 FEET; THENCE SOUTH 13°37'57" EAST, 161.80 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 75.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 60°54'08" A DISTANCE OF 79.72 FEET; THENCE SOUTH 74°32'05" EAST, 94.37 FEET; THENCE SOUTH 31°25'19" EAST, 72.00 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 216.00 FEET AND TO WHICH POINT A RADIAL BEARS SOUTH 31°25'19" EAST; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 6°20'24", A DISTANCE OF 23.90 FEET; THENCE SOUTH 31°39'12" EAST, 30.64 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 81°47'33", A DISTANCE OF 142.75 FEET, TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 84°52'59" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 76°28'26", A DISTANCE OF 133.47 FEET, TO A POINT ON A NON-TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 67°42'46" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 43°40'15", A DISTANCE OF 76.22 FEET, TO A POINT ON A NON-TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 48°24'21" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE, ALONG THE SAID CURVE, THROUGH A CENTRAL ANGLE 38°47'53," A DISTANCE OF 67.72 FEET; THENCE SOUTH 02°47'46" WEST, 69.74 FEET; THENCE SOUTH

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1/20/09

MELVIN F. GARLAND, P.L.S.
WASHINGTON STATE REGISTRATION NO. 18902

APEX ENGINEERING, PLLC
2601 SOUTH 35TH ST. SUITE 200
TACOMA, WASHINGTON 98409
TELEPHONE: (253) 473-4494
FAX: (253) 473-0599



February 2, 2009

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APR 03 2009

Mr. Jeff Dixon
City of Auburn
25 West Main Street
Auburn, WA 98001-4998

BY _____
TIME 1:21 PM

Reference: Lakeland Area 8
File #30025/17

Dear Mr. Dixon:

This letter is being prepared to summarize hearing conditions and how the final plat of Lakeland Area 8 have addressed the conditions of approval by the Hearing Examiner in his report signed on September 11th, 2006.

1. All mitigation measures as provided for in the Final EIS issued for Lakeland Hills, July 1992 will be complied with.
2. The landscaping plans have been approved.
3. The public storm drainage facilities were constructed per the approved FAC plans.
4. All utilities are within public right-of-way except for two utility and access tracts shown as Tracts D and H on the final plat
5. The Fourth Amendment to the Lakeland Hills South Agreement now includes parcel # 0520052039 and was recorded under AFN # 200610040570.
6. The on-site and off-site gravity sanitary sewer lines designed to Auburn Standards were constructed and connected to a new public pump station.
7. The City of Auburn received the necessary easements for the off-site sewer system from the Developer.
8. The off-site sewer pump station was constructed and this project is connected to it.
9. No existing septic tanks were encountered.
10. No existing water wells were encountered.
11. Roads designed to Auburn Standards have been dedicated and constructed as per the approved FAC plans.
12. Street trees were approved as part of the landscape plans.
13. The final plat will be addressed once the City provides the lot addresses.

2601 South 35th, Suite 200
Tacoma, Washington 98409
(253) 473-4494
Fax: (253) 473-0599

14. The required signs per Auburn Standard details have been installed as required.
15. The wetland buffers have been staked, flagged and fenced. The signs will be installed prior to recording of the final plat.
16. The plat meets all conditions of the amended Lakeland Hills South Development Agreement.
17. The center landscaped median on 63rd Place SE extending from Victoria Ave. SE to Wesley Place SE has been constructed.
18. Letters from the Auburn and Dieringer School Districts will be provided prior to final plat approval verifying acceptance of school bus stop locations.

If you have any questions or require additional information, please contact me or Jerry Wakefield at (253) 473-4494.

Sincerely,

Staci R. Saunders

Staci R. Saunders
Project Expeditor

SRS/ml

cc: Sean Martin, Investco
Dave Henline, Investco

I:\Lakeland-East\30025\Docs-Reports\Documents\30025_ss_013009_Letter to Jeff Dixon.doc

RESOLUTION NO. 4098

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING A PRELIMINARY PLAT APPLICATION TO SUBDIVIDE 21.99 ACRES INTO 68 LOTS AND EIGHT TRACTS FOR WETLANDS AND BUFFERS, UTILITIES, AND MONUMENT SIGNS WITH TWO PLAT MODIFICATIONS, WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, Application No. PLT06-0004, dated May 19, 2006, has been submitted to the City of Auburn, Washington, by Lakeland East LLC, requesting approval of a preliminary plat application to subdivide 21.99 acres into 68 lots for future residential development with two plat modifications, and eight tracts within the City of Auburn, Washington; and

WHEREAS, said request above was referred to the Hearing Examiner for study and public hearing thereon; and

WHEREAS, following staff review, the Hearing Examiner conducted a public hearing to consider said petition in Room 3 of the Auburn City Hall on August 22, 2006, after which, on September 7, 2006, the Hearing Examiner made Findings of Fact, Conclusions of Law and Recommendations in which the Hearing Examiner recommended approval of the preliminary plat subject to conditions; and

WHEREAS, the City Council, at its meeting of September 18, 2006, considered and affirmed the Hearing Examiner's recommendation for preliminary plat based upon said Findings, Conclusions and Recommendations.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON HEREBY RESOLVES as follows:

Section 1. The Hearing Examiner's Findings, Conclusions and Recommendations attached hereto as Exhibit "A" incorporated in this Resolution by this reference, are hereby approved and adopted.

Section 2. The request for preliminary plat approval to subdivide 21.99 acres into 68 lots for future residential development, and street, utility, and wetland tracts within the City of Auburn, legally described in Exhibit "B" attached hereto and incorporated herein by this reference, is hereby approved subject to the following conditions:

1. Mitigation measures as outlined in the FEIS Lakeland Hills South Mining & Reclamation Plan & Planned Community Development 1992.
2. Prior to final plat approval, a landscaping plan with applicable cross sections is required, demonstrating that storm drainage pond aesthetic requirements consistent with city standards can be accommodated off-site.
3. Public storm drainage facilities shall be constructed to adequately manage the storm water quantity and quality impacts from the proposed public street improvements associated with the project. Storm drainage from the public street improvements shall not drain onto private properties.
4. All utilities shall be placed within the public right-of-way. If utilities need to be placed on private property, access tracts with suitable driving surfaces shall be established.
5. Proposed Conditions, Covenants and Restrictions (CC&Rs) for the future Homeowners' Association shall be submitted for review and approval by the City prior to final plat approval. This document shall specify the financial means of maintenance of all common open spaces.
6. The developer shall construct on-site gravity sanitary sewer lines and off site gravity sanitary sewer lines to the subject property. All lines shall be per Auburn Design Standards.
7. Prior to the issuance of FAC permits, the applicant shall provide the City of Auburn with easements for the off-site sewer system. These easements shall have a suitable driving surface for maintenance.

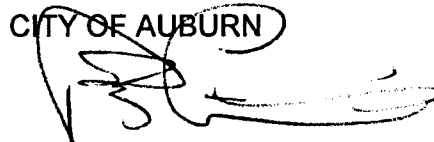
8. The proposed method of sanitary sewer disposal requires a sewer pump station to be constructed and located off-site to serve the larger service area in accordance with City of Auburn Design and Construction Standards. If the sewer pump station is constructed by another developer, then the applicant shall be responsible for their fair share of the sewer pump station construction.
9. Prior to final plat approval, all existing septic tanks shall be abandoned per the Tacoma-Pierce County Health Department requirements. Copies of the approved abandonment papers from the Health Department shall be provided to the City prior to commencement of site grading.
10. Prior to final plat approval, the developer shall abandon existing wells, if any, per Washington State and Tacoma-Pierce County Health Department regulations and deed/transfer the water rights for said wells over to the City of Auburn.
11. Prior to final plat approval, the developer shall dedicate right of way and construct all roads within the plat as local residential roads to City of Auburn Standards except where plat modifications are granted by City Council.
12. Street trees shall be subject to approval by the City Engineer. A separate approval block shall be shown on the landscape plans for that purpose.
13. The final plat drawing shall include addresses for each lot as assigned by the City.
14. Prior to final acceptance of the public improvements, "No Parking this side" signs, in accordance with City of Auburn standard details, shall be installed.
15. Prior to commencement of grading activities, buffers for Wetlands "B", "E", "D", "DD", and "C" shall be staked, flagged, silt fencing installed, and signage placed on-site by the applicant. Wetland sign content and location shall be shown in the final wetland mitigation plan and be approved by the City of Auburn Director of Planning, Building, and Community.
16. The plat shall meet all conditions of the Lakeland Hills South Development Agreement, as amended.
17. Prior to final plat approval, the development shall construct a center landscaped median on 63rd Place SE to the satisfaction of the City Engineer. This median shall extend from Victoria Avenue SE to Wesley Place SE.
18. The applicant shall work with the Auburn and Dieringer School Districts to coordinate safe bus stop locations. A letter from each school district verifying the bus stop locations shall be submitted to the city prior to final plat approval.

Section 3. The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 4. This Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this 18th day of September, 2006.

CITY OF AUBURN



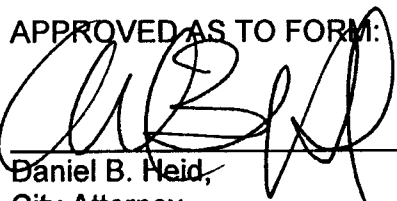
PETER B. LEWIS,
MAYOR

ATTEST:



Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF AUBURN**

In the Matter of the Application of)	NO. PLT06-0004
)	
LAKELAND EAST LLC)	FINDINGS, CONCLUSIONS
)	AND RECOMMENDATION
)	
For Approval of a Preliminary Plat)	LAKELAND HILLS AREA 8

SUMMARY OF RECOMMENDATION

The Hearing Examiner for the City of Auburn recommends to the Auburn City Council that the Lakeland Hills Area 8 preliminary plat be **APPROVED**, subject to conditions.

SUMMARY OF RECORD

Request:

Lakeland East LLC requests approval of a preliminary plat application to subdivide one parcel of land, approximately 22 acres in area, into 68 lots for future single-family residential development, two new public roads, and several wetland areas. The subject property is located in Auburn, Washington generally east of 62nd Street Southeast and north of Lake Tapps Parkway.

Hearing Date:

The Hearing Examiner for the City of Auburn held an open record hearing on the request on August 22, 2006.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

1. Elizabeth Chamberlain, City of Auburn
2. Joseph Welsh, City of Auburn
3. Jeff Mann, for Applicant
4. Sean Martin, for Applicant

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report dated August 17, 2006
2. Preliminary Plat Application received May 19, 2006
3. Notice of Application dated June 27, 2006

4. Notice of Public Hearing dated August 11, 2006
5. Affidavit of Posting of Legal Notice By Staff dated August 14, 2006
6. Addendum to Final Environmental Impact Statement dated August 9, 2006
7. Determination of Completeness dated June 14, 2006
8. Environmental Checklist dated June 7, 2006
9. Lakeland Area 8 Preliminary Plat Map prepared by Apex Engineering received August 17, 2006
10. Lakeland Area 8 Conceptual Grading Plan prepared by Apex Engineering received August 17, 2006
11. Lakeland Area 8 Conceptual Utility Plan prepared by Apex Engineering received August 17, 2006
12. Lakeland Area 8 Sight Distance Triangle Exhibit prepared by Apex Engineering received May 19, 2006
13. Preliminary Storm Drainage Report prepared by Apex Engineering dated July 13, 2006
14. Wetland and Stream Analysis Report prepared by B-12 Wetland Consulting¹ dated April 20, 2006
15. Letter from Ed Sewall with supplemental wetland information dated July 26, 2006
16. Letter from Ed Sewall clarifying wetland buffers dated August 3, 2006
17. Letter from Jeffery Mann requesting four road deviations dated July 12, 2006
18. Letter from Sean Martin detailing landscaping plans dated April 5, 2006
19. Letter from Sean Martin discussing the Master Signage Plan dated December 21, 2005
20. Comment letters from other agencies including Auburn School District, Tacoma-Pierce County Health Department, Department of Natural Resources, Pierce County Public Works, Department of Ecology, Muckleshoot Indian Tribe
21. Certificate of water availability from City of Bonney Lake
22. Staff update to conditions, presented at the hearing
23. Letter from Jeffrey Mann responding to proposed conditions dated August 17, 2006

Upon consideration of the testimony and exhibits admitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions:

FINDINGS

1. The Lakeland East LLC (Applicant) requested approval of a preliminary plat to subdivide one parcel of vacant land, approximately 22 acres in area, into 68 residential lots, including new public roads, and several wetlands areas. The parcel is identified by Pierce County Parcel Number 0520052039.² *Exhibit 1, page 1. Exhibit 2, pages 1 and 4. Exhibit 9.*
2. Lakeland Hills Area 8, the proposed plat, is being developed as a component of the much larger Lakeland South Project. The subject parcel is part of approximately 100 acres that

¹ B-12 Wetland Consulting has since changed its name to Sewall Wetland Consulting. *Exhibit 16.*

² A legal description is included on page 4 of Exhibit 2. The Staff Report gives the following general location: "east of 62nd Street Southeast and north of Lake Tapps Parkway." *Exhibit 1, page 1.*

the City of Auburn annexed from unincorporated Pierce County in August 2006. The larger Lakeland South Project is being developed under a 17 year plan and has undergone extensive planning and evaluation. *Testimonies of Elizabeth Chamberlain and Jeff Mann. City of Auburn REZ05-0004.*

3. The proposed development will not have a probable significant adverse environmental impact. Water and sewer will be provided to the development by public utilities. The site's stormwater will be detained and treated at a pond in another section of the Lakeland South Project. While many wetlands exist on site, the buffers will be largely respected. No threatened or endangered species is known to be present on site. Adequate transportation facilities will be available. Care will be taken during construction to mitigate noise, erosion, and other problems inherent in construction. *Exhibits 6, 8, 13, 14, 15, 16, and 21.*
4. The proposed development is included under the Final Environmental Impact Statement (FEIS) done for the Lakeland South Project. The Lakeland Hills Area 8 project did not lead to any changes from the mitigation measures set forth in the FEIS. The SEPA determination was not appealed. *Exhibit 6. Testimony of Elizabeth Chamberlain.*
5. There are six wetland areas on site. The wetlands have been labeled B, C, D, DD, E, and F. Access to the site requires building a road through wetlands B and F. A bidirectional culvert will be installed to reduce the road's impact on the wetlands. Wetland mitigation will occur on-site to replace the disturbed wetlands in a 3:1 ratio. The remaining wetlands and wetland buffers will be respected. *Exhibits 8, 9, 14, 15, and 16.*
6. The subject property is zoned PUD, Planned Unit Development, and is designated as Moderate Density Residential and Open Space by Auburn's Comprehensive Plan. *Exhibit 1, pages 1-3.* The PUD zone is intended to "offer enhanced flexibility to develop a site through innovative and alternative development standards. A PUD district also allows for a greater range of residential development scenarios, provides for internal transfers of density, and may result in more dwelling units than may be realized by using the existing development standards. In exchange for this enhanced flexibility, the city will require the PUD to result in a significantly higher quality development, generate more public benefit and be a more sensitive proposal than would have been the case with the use of standard zoning or subdivision procedures." *Auburn City Code (ACC) 18.76.010.*
7. The proposed plat satisfies the SFD-5 zone development standards included in the Lakeland South PUD section of the Auburn City Code. Development standards within the SFD-5 zone include minimum lot size for single family dwellings of 2,730 square feet and minimum lot width of 40 feet. Required setbacks include: 10 feet for front yard, porch; 15 feet for front yard, residence; 18 feet for front yard, garage; 3 feet for side yard,

interior; 6 feet for side yard, street; and 10 feet for rear yard. ACC 18.76.060(B)(2). Exhibit 1, page 4; Exhibit 9.

8. The road curve radius deviations requested by the Applicant are necessary for the proper development of the parcel and are not unsafe. The property's numerous wetlands restrict the land available for development. As the proposed development does not create any opportunities to connect its internal street system with other parts of the road network, internal streets will never be required to serve more than local traffic. The proposed internal curves are acceptable for local traffic and meet the requirements of emergency vehicles. Exhibits 9, 14, 15, 16, and 17. Testimony of Joseph Welsh.
9. The "Boulevard" style divided parkway access to the development proposed by the Applicant is safe and acceptable. Housing areas of more than 30 residences generally require dual access to ensure the safety of residents during emergencies. Although the proposed parkway does not provide two separate access roads, it creates a safe environment through its divided design. Both of the lanes are large enough to accommodate emergency vehicles. In the event that one of the lanes is blocked, the emergency vehicle can use the other lane without searching for an alternate entrance. Exhibits 17 and 22. Testimony of Joseph Welsh.
10. The proposed development is compatible with the surrounding area. The properties to the south and to the west of the proposed development are part of the same overall planned unit development. The property to the north is zoned Multi-Family Residential but developed with single family residences. The property to the east is currently vacant. Exhibit 1, page 2.
11. No traffic study or impact analysis was included in the record. The Applicant will pay a per-trip impact fee at the time of building permit issuance. Exhibit 1, page 7; Exhibit 20, page 4.
12. The Applicant proposes to connect to the City of Auburn sanitary sewer service and obtain water from the City of Bonney Lake. The City of Bonney Lake provided a certificate of water availability for 61 lots; the proposed development is for 68 lots. Jeff Mann testified at the hearing that the discrepancy was a typo and that the City of Bonney Lake had sufficient capacity and a new certificate would be issued upon his request. Exhibit 1, page 5; Exhibits 2 and 21. Testimony of Jeff Mann.
13. The development will pay school impact fees at the time of building permit issuance to mitigate its impacts on the school system. The proposed development is located within the Dieringer School District, but the high school population will be served by Auburn School District. Exhibit 1, pages 4, 5, and 7.
14. The Applicant proposes building sidewalks along throughout the development and connecting to the section of the planned unit development to the west. The Auburn

School District expressed concern about placing a bus stop along Lake Tapps Parkway SE, but was also unwilling to run a bus into the development. Sean Martin testified that safe bus stops would be found in adjacent plats. The Applicant stated that safe bus stops would be found before final plat approval. *Exhibit 1, page 5; Exhibits 20 and 23. Testimony of Sean Martin.*

15. Parks and open space are provided for as part of the overall Lakeland South project. The site's undisturbed wetlands also function as open space. *Exhibit 1, page 5; Exhibit 9.*
16. The Lakeland Hills Area 8 plat makes sufficient provision for stormwater detention and treatment in a different section of the Lakeland Hills Planned Unit Development. Building a single detention pond for the larger development is easier for the City since it will then have only one site to maintain. *Exhibits 13 and 23.*
17. The City of Auburn Comprehensive Plan sets forth goals for density, housing diversity, and neighborhoods that are relevant to this proposal. Policy LU-14 states that the majority of single family residential development should have a density between 4 and 6 dwelling units per acre. Objectives 7.2 and 7.3 both support the development of more single family homes. *Exhibit 1, page 4. City of Auburn Comprehensive Plan with revisions through December 2004 pages 3-14 to 3-16.*
18. The City of Auburn provided sufficient notice of the hearing. Notice of the hearing was posted at the site on August 11, 2006. Notice of the hearing was mailed to all property owners within 300 feet of the site.³ Due to an oversight, notice of the hearing was published in the *King County Journal* instead of a Pierce County paper. *Exhibits 4 and 5. Testimony of Elizabeth Chamberlain.*
19. The developer reviewed the staff's proposed conditions and accepted them after suggesting two minor changes. *Exhibit 23.*

CONCLUSIONS

Jurisdiction

Pursuant to Auburn City Code (ACC) 18.66, the Hearings Examiner is granted jurisdiction to hear and make recommendations to the City Council. Jurisdiction for the Hearings Examiner to make recommendations for approval of a preliminary plat is pursuant to ACC 14.03.040(A) and 17.06.050.

Criteria for Review

In order to approve a preliminary plat, pursuant to ACC 17.06.070, the Applicant must have provided support for the following:

³ ACC 17.06.030(C)(1) requires publication in a newspaper of general circulation within the county where the land for the proposed subdivision is located. The record does not include evidence of such publication. Additionally, the record does not specify when the notice was mailed to property owners within 300 feet. However, there is sufficient evidence of notice to conclude that reasonable notice was given. *Exhibits 4 & 5.*

1. Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and sites for schools and school grounds.
2. Conformance to the general purposes of the City of Auburn's Comprehensive Plan, to the general purpose of Title 17.02, and to the general purposes of any other applicable policies or plan which have been adopted by the City Council.
3. Conformance to the City of Auburn's zoning ordinance and any other applicable planning or engineering standard and specifications.
4. Potential environmental impacts of the proposal have been mitigated such that the proposal will not have an unacceptable adverse effect upon the quality of the environment.
5. Adequate provisions have been made so that the preliminary plat will prevent or abate public nuisances.

Conclusions Based on Findings

1. **Adequate provisions have been made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, and sites for schools and school grounds.** With conditions, the proposed plat will adequately address all areas required by the criteria for approval. The streets within the proposed plat will provide adequate transportation for residents and will include sidewalks for pedestrian safety and school access. The provisions for emergency access to the area are also sufficient. Schools will be provided for through impact fees at the time of building permit issuance. Stormwater from the proposed plat will be detained and treated at facilities included in a nearby, connected development. The proposal sets aside on-site open space in wetland preserves and includes access to open spaces elsewhere in the Lakeland Hills project. The plat will be connected to public utilities for water and sanitary wastes. *Findings 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16.*
2. **The plat conforms to the general purposes of the City of Auburn's Comprehensive Plan, Title 17.02 (Subdivisions), and to the general purposes of any other applicable policies or plan which have been adopted by the City Council.** As conditioned, the subdivision would be consistent with the purposes and regulations of the subdivision title, substantially consistent with the City's design and construction standards, and would be consistent with the goals, objectives, and policies of the City's Comprehensive Plan. *Conclusion 1. Findings 6, 7 and 17.*
3. **The plat conforms to the City of Auburn's zoning ordinance, Title 18, and any other applicable planning or engineering standard and specifications.** With conditions, the Applicant's proposal substantially complies with all related City codes and standards including development standards for the PUD zoning district. Physical conditions at the site require small deviations from the planning and engineering standards, but deviations

will not change the character of the neighborhood nor impair public welfare. *Findings 7, 8, and 9.*

4. **Potential environmental impacts of the proposal have been mitigated such that the proposal will not have an unacceptable adverse effect upon the quality of the environment.** Acting as the lead agency, the City determined that the proposed plat will not have a probable significant adverse impact on the environment. The site was reviewed as part of a larger environmental impact statement. The proposed plat provides adequate buffers for most wetlands on-site and includes a 3:1 replacement ratio for the disturbed wetlands. The stormwater system will prevent runoff from damaging nearby land including the on-site wetlands. *Findings 2, 3, 4, 5, 10, 11, 12, 15, and 16.*
5. **Adequate provisions have been made so that the preliminary plat will prevent or abate public nuisances.** Public Nuisances are addressed generally throughout the ACC and are addressed directly in ACC 8.12. A public nuisance affects public health and property values by creating visual blight, harboring rodents and/or beasts, or creating unsafe pedestrian and traffic situations. The proposed plat will not result in any public nuisances. Connection to public sewer and water will limit potential negative impacts on public health. *Conclusion 1. Findings 5, 10, 12, and 16.*

RECOMMENDATION

Based upon the preceding Findings and Conclusions, the Hearing Examiner for the City of Auburn recommends to the Auburn City Council that the request for approval of preliminary plat to subdivide one parcel of land, approximately 22 acres in combined area, into 68 residential lots, new public roads, and wetland areas be **APPROVED**, subject to the following conditions:⁴

1. Mitigation measures as outlined in the FEIS Lakeland Hills South Mining & Reclamation Plan & Planned Community Development 1992.
2. Prior to final plat approval, a landscaping plan with applicable cross sections is required, demonstrating that storm drainage pond aesthetic requirements consistent with city standards can be accommodated off-site.
3. Public storm drainage facilities shall be constructed to adequately manage the storm water quantity and quality impacts from the proposed public street improvements associated with the project. Storm drainage from the public street improvements shall not drain onto private properties.
4. All utilities shall be placed within the public right-of-way. If utilities need to be placed on private property, access tracts with suitable driving surfaces shall be established.

⁴ Conditions include both legal requirements applicable to all developments and conditions to mitigate the specific impacts of this development.

5. Proposed Conditions, Covenants and Restrictions (CC&Rs) for the future Homeowners' Association shall be submitted for review and approval by the City prior to final plat approval. This document shall specify the financial means of maintenance of all common open spaces.
6. The developer shall construct on-site gravity sanitary sewer lines and off site gravity sanitary sewer lines to the subject property. All lines shall be per Auburn Design Standards.
7. Prior to the issuance of FAC permits, the applicant shall provide the City of Auburn with easements for the off-site sewer system. These easements shall have a suitable driving surface for maintenance.
8. The proposed method of sanitary sewer disposal requires a sewer pump station to be constructed and located off-site to serve the larger service area in accordance with City of Auburn Design and Construction Standards. If the sewer pump station is constructed by another developer, then the applicant shall be responsible for their fair share of the sewer pump station construction.
9. Prior to final plat approval, all existing septic tanks shall be abandoned per the Tacoma-Pierce County Health Department requirements. Copies of the approved abandonment papers from the Health Department shall be provided to the City prior to commencement of site grading.
10. Prior to final plat approval, the developer shall abandon existing wells, if any, per Washington State and Tacoma-Pierce County Health Department regulations and deed/transfer the water rights for said wells over to the City of Auburn.
11. Prior to final plat approval, the developer shall dedicate right of way and construct all roads within the plat as local residential roads to City of Auburn Standards except where plat modifications are granted by City Council.
12. Street trees shall be subject to approval by the City Engineer. A separate approval block shall be shown on the landscape plans for that purpose.
13. The final plat drawing shall include addresses for each lot as assigned by the City.
14. Prior to final acceptance of the public improvements, "No Parking this side" signs, in accordance with City of Auburn standard details, shall be installed.
15. Prior to commencement of grading activities, buffers for Wetlands "B", "E", "D", "DD", and "C" shall be staked, flagged, silt fencing installed, and signage placed on-site by the applicant. Wetland sign content and location shall be shown in the final wetland

mitigation plan and be approved by the City of Auburn Director of Planning, Building, and Community.

16. The plat shall meet all conditions of the Lakeland Hills South Development Agreement, as amended.
17. Prior to final plat approval, the development shall construct a center landscaped median on 63rd Place SE to the satisfaction of the City Engineer. This median shall extend from Victoria Avenue SE to Wesley Place SE.
18. The applicant shall work with the Auburn and Dieringer School Districts to coordinate safe bus stop locations. A letter from each school district verifying the bus stop locations shall be submitted to the city prior to final plat approval.

Decided this 7th day of September 2006


THEODORE PAUL HUNTER
Hearings Examiner

Exhibit B
Legal Description

THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, CITY OF AUBURN, PIERCE COUNTY, WASHINGTON, AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER, ALSO KNOWN AS THE SOUTHWEST CORNER OF GOVERNMENT LOT 4 AS SHOWN ON THE RECORD OF SURVEY RECORDED UNDER AUDITOR'S FILE NUMBER 8887280259; THENCE NORTH 89°54'50" EAST 1638.38 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 03°26'36" WEST 48.22 FEET; THENCE SOUTH 31°01'58" WEST 20.64 FEET; THENCE SOUTH 24°16'49" EAST 21.34 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 38°55'41" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 127°34'07", A DISTANCE OF 222.65 FEET; THENCE SOUTH 76°29'48" EAST 18.99 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET, AND TO WHICH POINT A RADIAL BEARS NORTH 74°00'49" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 75°26'30", A DISTANCE OF 131.67 FEET; THENCE SOUTH 13°49'52" EAST 39.60 FEET; THENCE SOUTH 60°58'23" EAST 65.47 FEET; THENCE SOUTH 24°20'35" EAST 20.88 FEET; THENCE SOUTH 45°31'31" EAST 63.43 FEET; THENCE SOUTH 63°47'35" WEST 44.14 FEET; THENCE SOUTH 01°18'19" EAST 111.57 FEET; THENCE SOUTH 29°17'48" EAST 5.34 FEET; THENCE SOUTH 04°11'06" WEST 17.53 FEET TO THE SOUTH LINE OF THE NORTH HALF, OF THE SOUTH HALF, OF SAID NORTHWEST QUARTER; THENCE SOUTH 05°17'48" EAST 149.42 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 74°49'53" A DISTANCE OF 130.61 FEET; THENCE SOUTH 74°32'05" EAST 70.14 FEET; THENCE NORTH 73°02'19" EAST 33.19 FEET; THENCE SOUTH 35°59'21" EAST 9.86 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 47°49'12", A DISTANCE OF 20.87 FEET; THENCE SOUTH 83°48'33" EAST 11.45 FEET; THENCE SOUTH 31°39'12" EAST 52.24 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 81°47'34", A DISTANCE OF 142.76 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 84°52'59" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 76°28'26", A DISTANCE OF 133.47 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 67°42'46" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 43°40'15", A DISTANCE OF 76.22 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 48°24'21" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE, ALONG THE SAID CURVE, THROUGH A CENTRAL ANGLE 38°47'53", A DISTANCE OF 67.72 FEET; THENCE SOUTH 02°47'46" WEST 18.62 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 74°38'24" A DISTANCE OF 130.27 FEET TO A POINT ON THE NORTHERLY MARGIN OF LAKE TAPPS PARKWAY EAST, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 965.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 32°55'29" WEST; THENCE NORTHEASTERLY AND CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°49'03" A DISTANCE OF 300.09 FEET, TO THE EAST LINE OF THE AFOREMENTIONED, SOUTH HALF, OF THE NORTHWEST QUARTER; THENCE NORTH 02°57'29" EAST, ALONG SAID EAST LINE, 1255.10 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF, OF THE NORTHWEST QUARTER; THENCE ALONG THE NORTH LINE OF SAID SOUTH HALF, SOUTH 89°54'49" WEST 1013.42 FEET TO THE POINT OF BEGINNING.

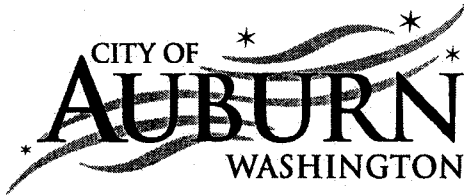


Exhibit 4
Number of Pages 5

CERTIFICATE OF IMPROVEMENTS

RECEIVED
PERMIT CENTER

APR 03 2009

FINAL PLAT APPLICATION
FAC06-0043

BY _____
COMPLETION OF IMPROVEMENTS 1:21 PM

The required improvements for the Final Plat of **LAKELAND AREA 8** have been completed in accordance with the Land Division Ordinance and the City of Auburn's standards and specifications.

Dennis Sello
City Engineer

4/2/09
Date

SECURITY IN LIEU OF COMPLETION

In lieu of the required public improvements for the Final Plat of _____, an approved security _____ (type of security) for \$ _____ (150% of the estimated costs of improvements) has been submitted and approved by the City Engineer.

City Engineer

Date

1. The developer has provided references and demonstrated a minimum of 3 years successful, non-defaulted plat development experience in the Puget Sound region.
2. The bond/security is based on the following costs:

Water \$ _____ Sewer \$ _____

Storm \$ _____ Traffic Signal \$ _____

Street \$ _____ (luminaires, curb, gutter, streets, private utilities)

White: Contract Administrator

Yellow & Pink: Planning Director

Goldenrod: Developer



Permit Number: PWD 2006-04974
Fee Submitted: _____
Date Received: FEB 21, 2006
Expiration Date: 2/21/07

CERTIFICATE OF WATER-SEWER AVAILABILITY

COPY

PART A TO BE COMPLETED BY APPLICANT

Owner: Lakeland East LLC Date: 02/17/06

Property Address: 2101 62nd PL SE

Tax Parcel No: 0520052039 Project/Subdivision Name: Lakeland area #2

Legal Description of Property: See attached
(Please attach separate page if necessary)

Number of Water Connections Requested: 68 Connection Size: _____

Customer type:

☒ Residential ☐ Multi-family ☐ Commercial ☐ Industrial ☐ Landscaping irrigation

Building type:

☒ New ☐ Addition ☐ Garage ☐ ADU ☐ Short Plat ☐ Other _____

Existing water well on site? ☐ Yes ☐ No

RECEIVED
PERMIT CENTER

Storm water detention-infiltration facilities on site: ☐ Yes ☐ No
(If yes, submit existing site plan with elevations showing drainage system.)

APR 03 2009

Commercial Sites Only:

Total lot size (sq.ft.) _____
Total area (sq.ft.) landscaped and unimproved: _____
Net area (sq.ft.) in impermeable surface: _____

BY _____
TIME 1:21 am

I, the undersigned, request the City of Bonney Lake to certify willingness and ability to provide water and/or sewer ("utility") services to the above-described property. I have read and understand the information provided on this Certificate, and acknowledge that the proposed project may require improvements to the utility system, which would incur my financial obligation. Prior to final approval for construction of the utility facilities, I understand that a developer extension agreement between myself and the City, which specifies the terms of utility service, operational responsibility, and financial obligation, may be required. I further understand and acknowledge that provision of utility services may be contingent upon fulfillment of applicable conditions, such as building system improvements, as well as payment of various costs and fees.

I further acknowledge that if the project for which I seek this certification is a preliminary short plat or subdivision, I will be required to construct facilities necessary for water connections in compliance with the Bonney Lake Municipal Code and adopted standards. If the project for which I seek this certification is a final short plat, subdivision, building permit, or septic design, I must build out the system and connect it to the existing Bonney Lake utility system located at the site indicated on this certificate.

I understand that this certification is valid for a one year period starting on the date of the of the City Engineer's signature. I must execute developer extensions agreements within this one year period or else file a new application for utility extension with the City.

I acknowledge that this certification is non-transferable. New property owners will need to request a new water/sewer certification.

I acknowledge that developer extensions may be required based on City Code and standards.

Print name Jeff Mann Signature Jeff Mann
Address 2601 S. 35th St Suite 200 City Tacoma State Wa Zip 98409
Phone number(s) (253) 473-4494

PART B

TO BE COMPLETED BY CITY OF BONNEY LAKE

Water system to provide service: City of Bonney Lake State ID# 07650H

The proposed development ☒ is / ☐ is not within the Bonney Lake approved service area.

The proposed development ☐ is / ☒ is not within the Bonney Lake City boundaries.

The proposed development ☒ is / ☐ is not within a City or Comprehensive Urban Growth Area.

The Bonney Lake water utility ☒ is / ☐ is not currently willing and able to provide service for the applicable period of this Certificate.

Approved number of capacity connections: 15,450

Existing source capacity: 5080 gpm

Number of current/existing connections: 10,700

Existing storage: 5.8 mg

Water service can be provided by:

☐ Direct connection to approved, existing water main.

☒ Extension of existing water main, to be built by applicant.

☐ New water system in accordance with WAC 246-290 and Pierce County Ordinances 86-117S3 and 92-99

FIRE FLOW INFORMATION:

Water Mains:

Location of nearest water main capable of supplying at least 500 GPM: _____

If not in street at front of property, distance from property to nearest water main is _____ feet

Fire flow available at 20 psi. is 1500 GPM for 2 hours minutes. (The amount of available fire flow is in addition to requirements for normal domestic maximum use.)

Estimated static pressure at water main closest to project location, during normal operating conditions, is 80 psi.

Hydrants:

Distance from center line of property frontage to nearest hydrant measured along routes of fire apparatus travel is _____ feet. Hydrant number: _____.

A water system vicinity map which shows the water mains and hydrants serving this project site is attached.

SEWER INFORMATION:

The proposed development ☐ is / ☐ is not within a CUGA.

The proposed development ☐ is / ☐ is not within the Bonney Lake UGA.

The proposed development ☐ is / ☐ is not within a City or Comprehensive Urban Growth Area.

The proposed development ☐ is / ☐ is not within 250' from existing sewer main.

The Bonney Lake sewer utility ☐ is / ☐ is not currently willing and able to provide service for the applicable period of this Certificate.

Sewer service can be provided by:

☐ Direct connection to approved, existing sewer main.

☐ Extension of existing sewer main, to be built by applicant.

☐ Septic System

☒ Sewer not City of Bonney Lake

City Staff will determine the need for developer extensions according to City code and standards. Levels of services described in this form are subject to developer extension agreement requirements and Bonney Lake Municipal Code and adopted standards.

Has the City reviewed and signed off on a final set of plans submitted by the applicant, which clearly identify all utility systems and the size of all components? ☐ Yes ☐ No

Approval for Preliminary Short Plat or Subdivision:

* Signature: _____ Title: City Engineer Date: 4-11-06

Approval for Final Short Plat, Subdivision, Building Permit or Septic Design:

The applicant has fully complied with all requirements identified for this project/development.

Signature: _____ Title: City Engineer Date: 2-24-09

NOTE: Authorization to begin construction is allowed only after the Certificate of Water-Sewer Availability has received final approval and all relevant permits have been paid for.



Date sent to Sam / Shawn 2-22-06

Permit Number PWD 2006-04974

To be completed by
Applicant:

Name Apex Engineering PLLC, Attn. Jeff Mann
Type of connection residential
Number of connections 1B
Parcel # 0520052039
Address 2101 62nd Pl SE

To be completed by City:

Custom Fields

(*Please circle one)

The Proposed development is / is not with our approved service area.

The water utility will / will not be providing service.

The proposed development is / is not within a City or comprehensive Urban Growth Area.

The Bonney Lake water utility is / is not currently willing and able to provide service for the applicable period of this Certificate.

Water Service will be provided by:

<input type="checkbox"/>	Direct connection to approved, existing water main
<input checked="" type="checkbox"/>	Extension of existing water main(s)
<input type="checkbox"/>	New water system in accordance with WAC 246-290 and Pierce County Ordinances 86-117s3 and 92-99

Are water system facilities approved according to DOH requirements? _____

Location of nearest main capable of supplying at least 500 GPM _____

If not in street at front of property, distance from property to above main is _____ feet.

Fire flow available at 20 psi is 1500 GPM for 2 hours minutes.

Estimated static pressure at project location is 80 psi.

Distance from center line of property frontage to nearest hydrant measured along routes of fire apparatus travel is _____ feet. Hydrant number _____

Fee Cost \$ 35

Prelim